

Download Aut Dedere, Aut Judicare The Extradite Or Prosecute Clause In International Law

General Overviews. It is only recently that legal scholars have started studying the obligation to extradite or prosecute from a general perspective. A concept related to extradition that has significant implications in transnational criminal law is that of *aut dedere aut judicare*. This maxim represents the principle that states must either surrender a criminal within their jurisdiction to a state that wishes to prosecute the criminal or prosecute the offender in its own courts. *Hostis humani generis* (Latin for "enemy of mankind") is a legal term of art that originates in admiralty law. Before the adoption of public international law [when?], pirates and slavers were already held to be beyond legal protection and so could be dealt with by any nation, even one that had not been directly attacked.¹¹ See *In re Reuters Group plc v Viljoen* 2001 12 BCLR 1265 (C) para 36. D'Oliveira 2003 SACJ 346 argues that the ICCM does not comprehensively regulate mutual legal assistance law.